

HON. RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)	No. 2:20-cr-00085-RAJ
)	
Plaintiff,)	
)	ORDER REGARDING
v.)	REMOTE JURY SELECTION
)	
HARBANS SINGH,)	
)	
Defendant.)	

This matter comes before the Court *sua sponte*. During the pretrial conference in this case, the Court inquired whether the parties would consent to conduct voir dire remotely via Zoom.gov, rather than in person. The Court expressed to the parties its goal of protecting the health and safety of all participants during this most recent wave of the COVID-19 pandemic fueled by the Delta variant, which has resulted in increasing levels of transmission of the virus in the community and rising hospitalization rates.

The defendant consented orally on the record at the time of the pretrial conference. Counsel for the United States requested that the Court reserve ruling. The government subsequently submitted a Memorandum Regarding Jury Selection (Dkt. 111), indicating that the government did not object to proceeding with remote voir dire, with two caveats: that the Court make provision for public access to the jury selection process, and that the Court enter findings necessary to justify even a limited closure of the courtroom for in-person voir dire.

1 The Court makes the following findings which justify this limited closure of in-
2 person jury selection by having the prospective jurors appear remotely via Zoom.gov:

3 1. There is a current surge in COVID-19 cases in this district and
4 across the country, which is driven by the more transmissible and potentially dangerous
5 Delta variant of the COVID-19 virus.

6 2. As a result, it could endanger the health and safety of potential jurors and of
7 the participants in the jury trial to conduct voir dire in person, given the size limitations
8 of the courtroom, the requirement that individuals socially distance, and the number of
9 members of the jury venire (38 to 40 jurors).

10 3. Conducting jury selection remotely, via Zoom.gov software, would
11 dramatically reduce the risk of jurors' and other participants' exposure to COVID-19.

12 4. The health and safety of those directly involved in the trial is important,
13 since an outbreak of COVID-19 could substantially disrupt the proceedings, including
14 the ability of the jury to carry out its duties.

15 5. The public will still have access to the jury selection and voir dire process
16 via an audio feed of the proceedings available to members of the public through a
17 listen-only telephone line. The conference call number and access code will be
18 published on the Court's website.

19 6. Moving from in-person voir dire to remote voir dire via Zoom.gov software,
20 while only a limited partial closure, is still "justified by an overriding interest" and
21 appropriately tailored to be "no broader than necessary to protect that interest." *See*
22 *Waller v. Georgia*, 467 U.S. 39, 48 (1984).

23 DATED this 24th day of August, 2021.

24 

25 The Honorable Richard A. Jones
26 United States District Judge